

GM 892

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the Senate Committee on
HAWAIIAN AFFAIRS**

**Wednesday, April 18, 2012
2:45PM
State Capitol, Conference Room 224**

**In Consideration of
GOVERNOR'S MESSAGE 892
SUBMITTING FOR THE CONSIDERATION AND CONFIRMATION TO THE ISLAND
BURIAL COUNCIL, ISLAND OF HAWAII, GUBERNATORIAL NOMINEE, KEITH
UNGER, FOR A TERM TO EXPIRE 6-30-2015**

The Department of Land and Natural Resources (Department) strongly supports the gubernatorial appointment of Mr. Keith Unger to the Island Burial Council for the Island of Hawaii, to expire 6-30-2015.

The Island Burial Councils are established under Section 6E-43.5, Hawaii Revised Statutes. With regard to previously known burials, the councils determine whether to leave the burial in place or remove it, recognize lineal and cultural descendants and provide counsel and advice to the Department. Large landowner representatives must be currently be employed or associated with a developer who conducts large scale land development activities or a large property owner who owns or leases at least 100 acres of land on the respective island, and represent the interests of the development or large property owners or both (Section 13-300-22, Hawaii Administrative Rules).

Mr. Unger is the General Manager for McCandless Land and Cattle Company and has been with the company since 1992. In this role, he provides leadership and oversight of the Company's 5600 acres. Mr. Unger has firsthand experience and knowledge of the Island Burial Council process through development of a five acre property he had purchased. That process included compliance with historic preservation laws and hiring an archaeological firm to develop the necessary mitigation plans to protect burials encountered on his property. He has been serving on the Island Burial Council in an interim capacity since August 2011. Mr. Unger is kamaaina to the land having been born and raised on the Island of Hawaii. His understanding of the Hawaiian Culture and language helps drive balanced solutions. Senate confirmation will ensure this important member's term is extended until 6-30-2015.

4/6/2012

Senator Galuteria
Chair, Senate Committee on Hawaiian Affairs

Re: Nomination to the Hawaii Island Burial Council, Island of Hawaii as Large Property Owner Representative

Thank you for the opportunity to testify on my behalf for the position of Large Property Owner Representative for the Hawai'i Island Burial Council.

Why do you wish to be a member of the Hawaii Burial Council?

As a life time resident of Hawai'i Island and forth generation kama'aina, I have much respect for the Hawaiian people and culture. I wish to serve as a Hawai'i Island Burial Council member because I believe with my background, I would be a positive addition to the important process of respecting our ancestors while balancing economics and other interests.

How do you perceive the role and responsibilities of a member of the Hawaii Island Burial Council?

I believe a Burial Council member has the responsibility to be fair and impartial and to listen carefully with an open mind. After all parties have been heard, I perceive the role of a Burial Council member is to be prepared to move the discussion to a decision.

Given your understanding of the role and responsibilities of Large Property Owner Representative for the Hawai'i Island Burial Council, why do you believe that you are qualified for the positions?

As a licensed real estate broker in Kailua-Kona for past 24 years (1987 – present), I am familiar with the development community and process and have had the opportunity to develop several of my own projects. As General Manager for McCandless Land & Cattle Co., LLC for the past 20 years, current Land Issues Chairman for the Hawaii Cattlemen's Council, Associate Director for the Kona Soil and Water Conservation District and as a member of the 'alala Recovery Team, I continue to work with the large landowner/ranching community on a wide range of topics on a regular basis. In each instance, I continue to gain knowledge and experience from the perspective of both the developer and the large landowner which I feel qualifies me to represent the interests of the developer and large property owners on the Hawai'i Island Burial Council.

What do you hope to accomplish during your term of service?

During the term of my service, I hope to work with other burial council members to make the Hawaii Island Burial Council accountable, efficient and task oriented while at the same time protecting na iwi kupuna.

Name qualities that best describe you and that would make you stand out?

I was born and raised on the Big Island. I have been a "hands-on" land and livestock manager on the Big Island for the past 20 years and am familiar with the challenges that face our agricultural and business community. I am patient, articulate and solution driven. I am a student of the Hawaiian language.

Name one previous experience that would make you stand out?

I am uniquely qualified to serve on the Big Island Burial Council because I have personally been through the burial council process, from beginning to end. I purchased a 5 acre vacant property on the Big Island and developed an open-air market. The property had multiple burials as well as other archaeology aspects. We hired an archaeologist, developed and got approved by the State Historical Preservation Department a Data Recovery Plan. We then developed and got approved a Burial Treatment Plan from the Hawai'i Island Burial Council. This first- hand experience with the process will be invaluable to me as a member of the council.

Can you for-see any possible conflicts of interest that could arise during your service? How would you overcome any possible conflicts of interest?

I do not for-see any conflicts of interest but if any did arise, I would recuse myself from the discussion and subsequent vote.



Keith F. Unger
Hawai'i Island Burial Council Candidate

galuteria1 - Davis

From: mailinglist@capitol.hawaii.gov
Sent: Friday, April 06, 2012 1:06 PM
To: HWN Testimony
Cc: bdshafer@gmail.com
Subject: Testimony for GM891 on 4/18/2012 2:45:00 PM

Testimony for HWN 4/18/2012 2:45:00 PM GM891

Conference room: 224
Testifier position: Support
Testifier will be present: No
Submitted by: Benjamin Shafer
Organization: Individual
E-mail: bdshafer@gmail.com
Submitted on: 4/6/2012

Comments:
Aloha mai kakou Senators,
Maxine is an excellent choice. God Bless.

galuteria1 - Davis

From: mailinglist@capitol.hawaii.gov
Sent: Monday, April 09, 2012 10:30 AM
To: HWN Testimony
Cc: trkahua@aol.com
Subject: Testimony for GM892 on 4/18/2012 2:45:00 PM

Testimony for HWN 4/18/2012 2:45:00 PM GM892

Conference room: 224
Testifier position: Support
Testifier will be present: No
Submitted by: Herbert M "Tim" Richards III
Organization: Kahua Ranch Ltd
E-mail: trkahua@aol.com
Submitted on: 4/9/2012

Comments:

Dear Senator Galuteria,

It gives me great pleasure to submit testimony supporting Keith Unger's confirmation as a member of the Hawaii Island Burial Council. Recognizing the importance and sensitivity of the issues that face this Council, I am confident Mr Unger will be an important asset to this group.

I have know Mr Unger for almost 40 years; the last almost 30 years in business and related matters. His dealing with Public Policy issues and concerns have been exemplary. Mr Unger is an excellent candidate for the Council.

Thank you

Aloha,

Herbert M "Tim" Richards III, DVM Kahua Ranch Ltd.
P.O. Box 837
Kamuela, Hawaii 96743

galuteria1 - Davis

From: Mike Vitousek [mvitouse@gmail.com]
Sent: Wednesday, April 11, 2012 10:58 PM
To: galuteria1 - Davis
Subject: Keith Unger-Hawaii Island Burial Council

Aloha Senator Galuteria,

My name is Michael Vitousek, I am the acting lead archaeologist for the Hawaii Island section of the State Historic Preservation Division of the Department of Land and Natural Resources. I am writing this letter in support of Keith Unger's nomination to the Hawaii Island Burial Council (HIBC). I have known Keith for many years. He is kamaina to Hawaii Island and as the manager of his families ranch his life is tied very closely to this land. Keith speaks Hawaiian fluently and cares very deeply about the preservation of Hawaiian culture.

Keith is currently serving as a land owner representative on the HIBC, and he is serving his community very well. Prior to Keith joining the HIBC the council did not have enough land owner representatives to meet the required quorum and no burial council meetings were held for over 6 months. As a result of the lack of a functioning burial council multiple construction projects were stalled, hundreds of people were out of work and multiple burial sites were left without protection. If Keith is not confirmed we will lose our burial council again. At this point in time the Island of Hawaii, and the State of Hawaii cannot afford to lose Hawaii Island Burial Council. Specifically, the federal highways division is poised to submit a burial treatment plan for the Queen Kaahumanu widening. Without a functioning burial council this project will face further delays and more people will remain unemployed. Hawaii Island needs a burial council not just to ensure the protection of our sacred cultural resources, but also to keep people working and to allow for our economy to recover.

Thank you for your time and consideration. If you have any questions please don't hesitate to contact me at 808-652-1510.

Mahalo,
Michael Vitousek

galuteria1 - Davis

From: trkahua@aol.com
Sent: Monday, April 09, 2012 10:23 AM
To: galuteria1 - Davis
Subject: Keith Unger's Nomination

Dear Senator Galuteria,

It gives me great pleasure to submit testimony supporting Keith Unger's confirmation as a member of the Hawaii Island Burial Council. Recognizing the importance and sensitivity of the issues that face this Council, I have know Mr Unger for almost 40 years; the last almost 30 years in business and related matters. His dealing with Public Policy issues and concerns have been exemplary. I am confident Mr Unger will be a valuable asset to the group.

Thank you

Aloha,

Herbert M "Tim" Richards III, DVM
Kahua Ranch Ltd.
P.O. Box 837
Kamuela, Hawaii 96743

PLEASE NOTE: NEW EMAIL ADDRESS - trkahua@aol.com

galuteria1 - Davis

From: James Greenwell [jsgreenwell@lanihau.net]
Sent: Friday, April 06, 2012 8:34 AM
To: galuteria1 - Davis
Subject: Supporting Confirmation of Keith Unger(Hawaii Island Burial Council)

I am pleased to submit this testimony in support of Keith Unger's confirmation as a member of the Hawaii Island Burial Council. I personally have been before the Hawaii Island Burial Council from time to time. I understand the sensitivity and responsibility required to deal with such issues respectfully. I have known Mr. Unger well over the past twenty years and fully believe that he is very well qualified to serve in that capacity. We would all be fortunate to have someone like Keith fill this very important role.

Thank you for this opportunity to participate in this process. James S. Greenwell

April 13, 2012

Hawaiian Affairs Committee
Office of Senator Brickwood Galuteria

Re: Gubernatorial Nominee; Mr. Keith Unger to Island Burial Council, Island of Hawaii

Senator Galuteria;

Keith Unger would be an asset to serve on the Island Burial Council, Island of Hawaii. Through the years of our acquaintance I have observed his commitment to his kuleana to steward a large tract of South Kona's pristine native forest and endangered birds.

Keith is a contributing member of our community and I highly recommend him to serve on the Island Burial Council, Island of Hawaii.

Ku'ulani Auld
Kawanui, Kona